

Notice of Allowability**Application No.**

09/648,522

Examiner

Cristina Owen Sherr

Applicant(s)

KIHN, JOHN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/25/04.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 26 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other: _____

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1. This communication is in response to applicant's amendment filed May 25, 2004. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 have been amended. Claims 13, 14, and 15 have been canceled. Claims 1-12 are pending in this case.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Gerald Altman, Reg. No. 17,109 on June 24, 2005.

3.1 The application has been amended as follows:

In claim 1 change:

"(a) means for selecting" to:

- - (a) electronic means for selecting - -

"(b) means for selecting" to:

- - (b) electronic means for selecting - -

"(c) means for establishing" to:

- - (c) electronic means for establishing - -

"(d) means for tracking" to:

- - (d) electronic means for tracking - -

In claim 3 change:

"(a) selecting" to:

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- - (a) electronically selecting - -

"(b) selecting" to:

- - (b) electronically selecting - -

"(c) establishing" to:

- - (c) electronically establishing - -

"(d) tracking" to ;

- - (d) electronically tracking - -

In claim 5 change:

"(a) means for selecting" to:

- - (a) electronic means for selecting - -

"(b) means for selecting" to:

- - (b) electronic means for selecting - -

"(c) means for establishing" to:

- - (c) electronic means for establishing - -

"(d) means for tracking" to:

- - (d) electronic means for tracking - -

In claim 7, change:

"(a) first, selecting" to:

- - (a) first, electronically selecting - -

"(b) second, selecting" to:

- - (b) second, electronically selecting - -

"(c) third, establishing" to:

- - (c) third, electronically establishing - -

"(d) fourth, tracking" to:

- - (d) fourth, electronically tracking - -

In claim 9, change:

"(a) means for selecting" to:

- - (a) electronic means for selecting - -

"(b) means for selecting" to:

- - (b) electronic means for selecting - -

"(c) means for establishing" to:

- - (c) electronic means for establishing - -

"(d) means for tracking" to:

- - (d) electronic means for tracking - -

In claim 11, change:

"(a) selecting" to:

- - (a) electronically selecting - -

"(b) selecting" to:

- - (b) electronically selecting - -

"(c) establishing" to:

- - (c) electronically establishing - -

"(d) tracking" to ;

- - (d) electronically tracking - -.

Reasons for Allowance

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4. The following is an examiner's statement of reasons for allowance:

5. The closest prior art of record shows:

(1) O'Shaughnessy (US 5,978,778) discloses automated strategies for investment management.

(2) Addison et al (US 2004/0083158) discloses systems and methods for distributing pricing data for complex derivative securities.

(3) Trojan et al (US 5,297,032) disclose a securities trading workstation.

(4) Baghdady (US 2002/0174058) discloses a system for providing orders from a market analysis platform to the electronic communication network.

(5) Robertson (CA 2356577 A1) discloses data presentation and analysis method for stock market trading, involving generating two graphical displays for displaying generated historical stock trading information.

(6) Multi-Talented System Opens Windows for Trader's World; Landis, Kenneth M.; Wall Street Computer Review. New York: Apr 1988.Vol.5, Iss 7; pg 86, 5 pgs.

(7) A Virtual Stock Market; Vogelstein, Fred; U.S. News & World Report. Washington: Apr 26, 1999.

6. Applicant's set of claims consists of claims 1-12.

7. Independent claim 1 is directed at a financial system for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed. Because nothing in the prior art teaches or

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suggests the latter feature, independent claim 1 and its dependent claim 2 are deemed allowable.

8. Independent claim 3 is directed at a financial process for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed. Because nothing in the prior art teaches or suggests the latter feature, independent claim 3 and its dependent claim 4 are deemed allowable.

9. Independent claim 5 is directed at a financial system for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed, where the mathematical function involves an unique equation in claim 5. Because nothing in the prior art teaches or suggests the latter feature, independent claim 5 and its dependent claim 6 are deemed allowable.

10. Independent claim 7 is directed at a financial process for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed, where the mathematical function involves an unique equation in claim 7. Because nothing in the prior art teaches or suggests the latter feature, independent claim 7 and its dependent claim 8 are deemed allowable.

11. Independent claim 9 is directed at a financial system for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of

basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed, where the mathematical function involves an unique equation in claim 9. Because nothing in the prior art teaches or suggests the latter feature, independent claim 9 and its dependent claim 10 are deemed allowable.

12. Independent claim 11 is directed at a financial process for electronically selecting assets for an investment portfolio. This claim identifies the uniquely distinct feature of basing investment on a momentum benchmark that is a mathematical function of long and short period of time that have elapsed, where the mathematical function involves an unique equation in claim 11. Because nothing in the prior art teaches or suggests the latter feature, independent claim 11 and its dependent claim 12 are deemed allowable.

13. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons of Allowance."

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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